

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

January 24, 2012

In the Matter of D. T. T. DAVIS, Minor.

No. 304718

Saginaw Circuit Court

Family Division

LC No. 09-032218-NA

Before: BECKERING, P.J., and OWENS and SHAPIRO, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (h). Because Respondent is incarcerated and there is no reasonable expectation that he will be able to provide proper care within a reasonable time, we affirm.

Respondent is currently serving a life sentence without possibility of parole. On appeal respondent argues that the trial court clearly erred in finding that he had failed to provide for the proper care and custody of the child because the trial court and petitioner failed to give sufficient consideration to the family members he offered as potential caregivers for his son. We disagree. Contrary to respondent's claims, petitioner did all it could to consider respondent's grandmother, but her failure to provide necessary information precluded her from being deemed acceptable. In addition, respondent's last-minute offering of his teenaged brother and uncle was insufficient to qualify as providing proper care and custody. Upon review of the record, we find no error in the trial court's finding that respondent was incarcerated and unable to parent his child, that he failed to provide *proper* care and custody for his child and there was no *reasonable* expectation that he would be able to do so within a reasonable time, and that he would be imprisoned for such time as to deprive the child of a normal home in excess of two years. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re B and J*, 279 Mich App 12, 17; 756 NW2d 234 (2008); MCR 3.977(K).

Next, respondent contends that termination of his parental rights was not in the best interests of the minor child. Respondent supports this claim only with references to himself and what he tried to do from prison. The statute, though, addresses the best interests of the minor child, not the parent whose parental rights might be terminated. Here, the minor child had no bond with respondent, who was incarcerated before his birth. Respondent failed to provide for the proper care and custody of his child, and there was no indication that such care was forthcoming. This child requires special medical care and had lacked stability and permanency

for over 20 months, none of which would likely be provided by respondent within a reasonable time considering the child's age. Our review of the record convinces us that the trial court did not clearly err in finding that termination of respondent's parental rights was in the best interests of the minor child. *In re Jenks*, 281 Mich App 514, 516-517; 760 NW2d 297 (2008); MCR 3.977(K).

Affirmed.

/s/ Jane M. Beckering

/s/ Donald S. Owens

/s/ Douglas B. Shapiro